FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING
2017 JUN -7 PM 1:56
STEPHAN HARRIS, CLERK
CASPER

Hello my name is Rogelio Rodriguez
Im writein in reguards to a
Delivery Charge I went to trial
for May 30 and June 1 a two
day trial Case NO 5709, I
was found guilty. I feel this
was not a fair trial based on
a few things. First in my Jury
there was no minoraty all
White and halfe of them were
related or friends with law
enforcment in park County
I did not get any jury from
other countys I requested all
these things but got denied.
second the prosecution presented
no finger prints, no servailence, no
face visual just speculation of body
shap and movent, they had a
uncredible witnes with a criminal
history stateing he was presented
with a labeld photo or me with
my name on it when agent
stated he presented him with
a unlabled photo. no line up
was presented to wit~~t~~ness

agent stated he met me for the first time November 2016 but in trial he stated he recognized me and my voice Octber 2014 in the alleged delivery case. the other agent that was working with him stated in court testifing that she has Known me for 20 years and that how she recognized my body shape and movement but did not se my face, I haven spoken or seen this agent in 20 years. tho audio that was presented of the controlled buy was with three individuals I was not in it you can clearly hear it. the name on the criminal Docket Was Rogelio Munoz Rodrigues Jr and on that drug lab results my name is not Rogelio Munoz Rodriguez, its Rogelio Rodriguez Jr I provided my birth Certificate they only amended my name. they excluded my alibi because I didn't present it on time but

I provided all information to
my attorney months before
my trial, I never got to
listen to audio or withnesses
never got interviewed by attorney
I requested to listen to audio
and to interview the withneses
against me befor pre trial
it never hapend I could not
prepare properly for trial every
thing is in trancripts of trial
there is alot more indiscrepansies
I would like to apeal but dont
Know how this associate to
petition writ or heabeus corpus
Case 17-CV-009-S thanks
for your time much respect

Rogelio Rodriguez is my name

no midle name

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING
2016 JAN 10 PM 2:57
STEPHAN HARRIS, CLERK
CASPER

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF WYOMING

is not my name

ROGELIO MUNOZ RODRIGUEZ, JR.,

Petitioner,

vs.

PARK COUNTY DETENTION CENTER and WYOMING ATTORNEY GENERAL,

Respondents.

Case No. 17-CV-004-S

**ORDER DISMISSING WITHOUT PREJUDICE
WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2254**

This matter is before the Court upon a *pro se* Petition for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254, by Rogelio Munoz Rodriguez, Jr., Petitioner. [ECF 1]. The Court, having reviewed the Petition, as well as the file herein, and being otherwise fully advised, FINDS the Petition should be dismissed without prejudice.

Petitioner is currently incarcerated at the Park County Wyoming Detention Center, apparently based on charges of delivery of controlled substances. [ECF 1, p. 1]. He appeared in the Circuit Court for the Fifth Judicial District, Park County, on November

29, 2016, and was bound over to district court. He alleges he thereafter filed in the Circuit Court a "Motion for Dismissal Pro se" (*sic*) on which he is yet to have a hearing. [ECF 1, p. 2].

The petition in this matter was filed after the effective date of the controlling statute, the Antiterrorism and Effective Death Penalty Act (AEDPA) of 1996, which requires a petitioner to offer affirmative proof he is "in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2254(a). The AEDPA further states:

> A petitioner must exhaust all state remedies before seeking relief in federal court. An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted unless it appears that—
> (A) the applicant has exhausted the remedies available in the courts of the State; or
> (B)(i) there is an absence of available State corrective process; or circumstances exist that render such process ineffective to protect the rights of the applicant.

28 U.S.C. § 2254(b)(1).

There has been no "judgment of a State court," no final judgement and sentence, as yet entered against Petitioner, thus the Court is without jurisdiction to consider his petition.

> [U]nder § 2254, we may "entertain an application for a writ of habeas corpus in behalf of a person in custody pursuant to the *judgment* of a State court only on the ground that he is in custody in violation of the

ORDER

IT IS THEREFORE HEREBY ORDERED the Petition for Writ of Habeas Corpus by Rogelio Munoz Rodriguez, Jr. Petitioner is **DISMISSED without prejudice** for lack of jurisdiction.

Dated this 10th day of January, 2017.

SCOTT W. SKAVDAHL
UNITED STATES DISTRICT JUDGE

Rogelio Rodriguez Jr
PCDC
402 River View Drive
Cody, Wy 82414

Legal Mail

CASPER WY 826
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FOREVER
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Clerk, United states District Court
111 S Wolcott, Room 121
Casper, Wy 82601

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